

**JOINT RESOLUTION AMENDING PROVISION ON  
MUNICIPAL WATER RIGHTS**

2010 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to municipal water rights.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize a municipality to lease, on a short term basis, water rights owned or controlled by the municipality, and to renew the lease; and
- ▶ make technical changes.

**Special Clauses:**

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

**Utah Constitution Sections Affected:**

AMENDS:

**ARTICLE XI, SECTION 6**

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XI, Section 6, to read:

**Article XI, Section 6. [Municipalities forbidden to sell waterworks or rights.]**

~~[No municipal corporation, shall]~~

(1) (a) Except as provided in Subsection (2), a municipality:

(i) may not, directly or indirectly, lease, sell, alien, or dispose of any waterworks, water rights, or sources of water supply [now, or hereafter to be] owned or controlled by [it, but all such] the municipality; and

(ii) shall preserve, maintain, and operate those waterworks, water rights, and sources of

32 water supply [~~now owned or hereafter to be acquired by any municipal corporation, shall be~~  
33 ~~preserved, maintained and operated by it~~] for supplying its inhabitants with water at reasonable  
34 charges[~~: Provided, That nothing herein contained shall~~].

35 (b) Subsection (1)(a) may not be construed to prevent [~~any such municipal corporation~~]  
36 a municipality from exchanging [~~water rights,~~] water rights or sources of water supply[~~;~~] for  
37 other [~~water rights~~] water rights or sources of water supply of equal value, and to be devoted in  
38 like manner to the public supply of its inhabitants.

39 (2) (a) A municipality may lease water rights that the municipality owns or controls, if  
40 the leased water rights are for use within the state.

41 (b) A lease of water rights under Subsection (2)(a) may be renewed one or more times.

42 (c) (i) The term of a lease under Subsection (2)(a) may not exceed seven years.

43 (ii) The term of any renewed lease under Subsection (2)(b) may not exceed seven  
44 years.

45 Section 2. **Submittal to voters.**

46 The lieutenant governor is directed to submit this proposed amendment to the voters of  
47 the state at the next regular general election in the manner provided by law.

48 Section 3. **Effective date.**

49 If the amendment proposed by this joint resolution is approved by a majority of those  
50 voting on it at the next regular general election, the amendment shall take effect on January 1,  
51 2011.

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Legislative Review Note

as of 5-13-09 12:56 PM

Office of Legislative Research and General Counsel